

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI**

First Amended Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Daniel Ray Withers

Docket No.: 1:17CR00050-1 JAR

Name of Sentencing Judicial Officer: The Honorable John A. Ross
United States District Judge

Date of Original Sentence: December 18, 2017

Original Offense: Distribution of Methamphetamine

Original Sentence: 36 months imprisonment and 5 years supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: November 1, 2019
Expiration Date: October 31, 2024

Assistant U.S. Attorney: Timothy J. Willis

Defense Attorney: Jennifer L. Booth

PETITIONING THE COURT

To amend the petition to include new information. The additional information is in bold print.

The probation officer believes that the offender has violated the following condition of supervision:

Violation Number

Mandatory Condition No.1: You must not commit another federal, state or local crime.

Mandatory Condition No.2: You must not unlawfully possess a controlled substance.

Nature of Noncompliance

According to the Missouri State Highway Patrol (MSHP) probable cause statement, on January 31, 2020, officers conducted a traffic stop on a vehicle. The officer contacted the driver of the vehicle who was identified as Withers. The officer reported during the stop, Withers voice was shaking, did not stop looking at his vehicle, was breathing heavy, and sweating. Withers denied having anything illegal in his vehicle or on his person. Withers then gave permission for officers to conduct a search. During a search of Withers' person, officers located a white crystal-like substance, which exhibited the characteristics of methamphetamine, and several sandwich baggies. Withers was then arrested and taken into custody.

On May 29, 2020, Withers was charged in the Circuit Court of Butler County, Missouri, in Docket No.: 20BT-CR01099-01 with Possession of Controlled Substance Except 35 Grams or less of

Marijuana/Synthetic Cannabinoid (F). According to the Information, on or about January 31, 2020, the defendant knowingly possessed methamphetamine, knowing of its presence and nature. On August 25, 2020, Withers entered a guilty plea and was sentenced to serve six years in the Missouri Department of Corrections.

On January 10, 2022, Withers was released from Missouri Department of Corrections to be supervised by the Missouri Board of Probation & Parole in relation to Docket No.: 20BT-CR01099-01 and Docket No.: 15BT-CR00914 to a term of parole to run concurrently.

Withers has not been questioned regarding the noncompliance and is presently in the custody of the United States Marshals Service.

Violation Number

Mandatory Condition No.3: You must refrain from any unlawful use of a controlled substance.

Nature of Noncompliance

On January 23 and 28, 2020, Withers submitted a urine specimen at Southeast Missouri Behavioral Health which tested positive for the presence of amphetamines and marijuana.

When questioned regarding the noncompliance, Withers admitted to using methamphetamine and marijuana to deal with the stressors of not seeing his daughter.

Violation Number

Standard Condition No.5: You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.

Nature of Noncompliance

On February 5, 2020, the undersigned officer attempted to make contact with Withers at his reported residence. The residence appeared to be vacant with no furniture in plain view. The undersigned officer contacted the landlord and advised the apartment appeared to be vacant. The landlord advised that Withers had not been to the home recently and the landlord was told that Withers was currently in trouble.

Withers has not been questioned regarding the noncompliance as his whereabouts are unknown.

Violation Number

Special Condition: You must submit to substance abuse testing to determine if you have used a prohibited substance. You must not attempt to obstruct or tamper with the testing methods.

Special Condition: You must participate in a substance abuse treatment program and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.).

Nature of Noncompliance

Withers was referred for weekly individual substance abuse counseling on January 16, 2020. On January 27 and February 3, 5, 12, and 19, 2020, Withers failed to report for substance abuse treatment at Southeast Missouri Behavioral Health.

Withers has not been questioned regarding the noncompliance as his whereabouts are unknown.

Violation Number

Special Condition: You must submit to substance abuse testing to determine if you have used a prohibited substance. You must not attempt to obstruct or tamper with the testing methods.

Nature of Noncompliance

Withers began participating in drug testing on January 6, 2020. He is scheduled to submit five drug tests a month. On February 6, 11, and 17, 2020, Withers failed to report for a scheduled drug test at Southeast Missouri Behavioral Health.

Withers has not been questioned regarding the noncompliance as his whereabouts are unknown.

Previous Violations

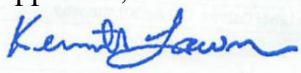
On January 21, 2020, a violation report was submitted to the Court citing the offender for methamphetamine use. In response to the noncompliance, Withers was increased in substance abuse counseling, substance abuse testing, and enhanced in reporting.


U.S. Probation Officer Recommendation: It is respectfully recommended that the Court amend the petition to include the additional information in bold print.

It continues to be the recommendation of the probation office that the offender's term of supervised release be revoked.

I declare under penalty of perjury that the foregoing is true and correct.


Executed on January 12, 2022

Approved,

by _____
Kenneth W. Lawrence
Supervising U.S. Probation Officer
Date: January 12, 2022

Respectfully submitted,

by _____
Hillary R. Matthews
U.S. Probation Officer
Date: January 12, 2022

THE COURT ORDERS:

- ☐ No Action
☒ Amend the Petition
☐ Other



Signature of Judicial Officer

January 13, 2022

Date